

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
FEBRUARY 1, 2005
MINUTES**

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| CALL TO ORDER | A. | Mayor Klimetz called the regular Common Council meeting of February 1, 2005 to order at 6:31 p.m. in the Council Chambers of Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin.

Present were: Mayor Klimetz, Aldermen Olson, Solomon, Gardner, Kosovich, Sohns and Bergmann. Also present were City Engineer Bennett, Dir. of Admin. Petre, City Attorney Wesolowski and Deputy City Clerk Vanden Boom. |
| COMMENDATION | | Mayor Klimetz presented a commendation to Kyle Waldmer, Eagle Scout. |
| CITIZEN
COMMENT | B. | Citizen comment period was opened at 6:36 p.m. and closed at 6:58 p.m. |
| MINUTES-
1/18/05 | C-1. | Alderman Bergmann moved to approve the regular Common Council meeting minutes of January 18, 2005 as presented. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| CONSENT AGENDA | | Alderman Sohns moved to approve the following: |
| RES. 2005-5818
PDD #28
POLISH HERITAGE
ALLIANCE, INC. | F-1a. | Resolution No. 2005-5818, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT UPON LANDS WITHIN PLANNED DEVELOPMENT DISTRICT NO. 28 (POLISH HERITAGE ALLIANCE, INC.) (APPROXIMATELY 6941 S. 68TH STREET); |
| 2006 BUDGET
TIMETABLE | F-1b. | The presented 2006 budget timetable as recommended by the Finance Committee; |
| RES. 2005-5819
DEPOSITS | F-1c. | Resolution No. 2005-5819, A RESOLUTION APPROVING THE MUNICIPAL COURT SCHEDULE OF DEPOSITS; |
| VFW FUND
DRIVE | F-1d. | The Veterans of Foreign War poppy sale in the City of Franklin during May, 2005; |
| RES. 2005-5820
PRAIRIE GRASS
PRESERVE | F-1e. | Resolution No. 2005-5820, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT TWO PERMANENT STORM SEWER EASEMENTS AND WAIVE AND RELEASE TWO EXISTING STORM SEWER EASEMENTS FOR PRAIRIE GRASS PRESERVE SUBDIVISION.

Above items seconded by Alderman Olson. All voted Aye; motion carried. |
| SMOKING BAN
ACTIVITIES | F-2. | Mayor Klimetz reported on the investigation of use of public moneys and city staff for smoking ban activities as committed at the 12/21/04 Common Council meeting to Orville Seymer. No action was needed. |

Alderman Sohns moved to deny the request from Barbara and Michael Stegmayer to extend municipal water service to property located at 9464 S. 92nd Street and further direct review of possible water extension during the Comprehensive Master Plan Update by consultants. Seconded by Alderman Olson. On roll call, Aldermen Olson, Solomon, Gardner, Kosovich and Sohns voted Aye; Alderman Bergmann voted No. Motion carried.

F-4. Alderman Olson moved to deny an amendment to the Unified Development Ordinance, Division 15-3.0600 Zoning District Uses and Use Regulations Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts to allow top, body and upholstery repair shops and paint shops as a Special Use in Section 15-3.0302 B-2 Community Business District. Seconded by Alderman Solomon. All voted Aye; motion carried.

F-5. Alderman Olson moved to adopt Resolution No. 2005-5821, RESOLUTION ADOPTING THE COMPREHENSIVE MASTER PLAN AMENDMENT FOR THE CROSSROADS TRADE AREA REGULATING PLAN AS AN ELEMENT OF THE CITY OF FRANKLIN COMPREHENSIVE MASTER PLAN. Seconded by Alderman Solomon. All voted Aye; motion carried.

F-6. Alderman Sohns moved to adopt Resolution No. 2005-5822, RESOLUTION ADOPTING THE COMPREHENSIVE MASTER PLAN AMENDMENT FOR THE SOUTH 27TH STREET CORRIDOR PLAN AS AN ELEMENT OF THE CITY OF FRANKLIN COMPREHENSIVE MASTER PLAN with the removal of Sycamore Street extension. Seconded by Alderman Gardner. All voted Aye; motion carried.

F-7. Alderman Sohns moved to adopt Ordinance No. 2005-1833, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 TO LIST AND THEREFORE TO CHANGE THE SALE OF RECREATIONAL VEHICLES FROM A PERMITTED TO A SPECIAL USE IN THE B-4 SOUTH 27TH STREET BUSINESS DISTRICT, B-5 HIGHWAY BUSINESS DISTRICT AND PDD PLANNED DEVELOPMENT DISTRICT. Seconded by Alderman Kosovich. On roll call, Aldermen Bergmann, Sohns, Kosovich, Gardner and Olson voted Aye; Alderman Solomon voted No. Motion carried.

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| RES. 2005-5823
AGREEMENT-
W. FOREST HOME
AVENUE | F-8. | Alderman Sohns moved to adopt Resolution No. 2005-5823, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH GRAEF, ANHALT, SCHLOEMER AND ASSOCIATES, INC. FOR A WATER MAIN EXTENSION TO 11222 W. FOREST HOME AVE. Seconded by Alderman Bergmann. All voted Aye; motion carried. |
| SANITARY SEWER
SERVICE AREA | F-9. | Alderman Sohns moved to direct City staff and Alderman Solomon to meet with Southeastern Wis. Regional Planning Comm. staff to review and recommend a revision to the City's sanitary sewer service area and present map revision recommendations to the Common Council. Seconded by Alderman Bergmann. All voted Aye; motion carried. |
| FITZSIMMONS
WOODS | F-10. | Alderman Solomon moved to approve an additional \$1,500 for an appraisal for a second parcel for Fitzsimmons Woods from Community Development Authority budget and that access to information be made available to Milwaukee Area Land Conservancy, City staff and Economic Development officials. Seconded by Ald. Kosovich. Upon roll call, Aldermen Solomon, Gardner, Kosovich, Sohns and Bergmann voted Aye; Alderman Olson voted No. Motion carried. |
| WATER TANKER | F-11. | <p>Alderman Bergmann moved to approve request of the Fire Chief to purchase a 2,000 gallon water tanker for the Fire Department, with a payment structure determined by the Common Council. Seconded by Ald. Kosovich. Upon roll call, Aldermen Bergmann and Kosovich voted Aye; Aldermen Sohns, Gardner, Solomon and Olson voted No. Motion failed.</p> <p>Alderman Solomon then moved to direct the Finance Committee, at their 3/22/05 meeting, to review options for funding of a 2,000 gallon water tanker for the Fire Department. Seconded by Alderman Olson. All voted Aye, motion carried. Alderman Sohns moved that the Public Safety Committee be included in this discussion for possible sharing of services or costs. Seconded by Alderman Solomon. All voted Aye, motion carried.</p> |
| ECONOMIC
DEVELOPMENT
FEASIBILITY
STUDY-LANDFILL
AREA | F-12. | Alderman Solomon moved to direct Planning & Design Institute, Inc. to review the area bounded by Hwy. 45, W. Loomis Rd., Hwy. 100, S. 76th St. and W. South County Line Rd. as a first priority during the update of the Comprehensive Master Plan. Seconded by Alderman Sohns. Alderman Solomon then withdrew his motion. |
| ETHICS BOARD
REPEAL
LEGISLATION | F-13. | Alderman Sohns moved that a revised ethics form be reviewed, redrafted as directed, and presented by the City Attorney at the 2/28/05 Committee of the Whole meeting. Seconded by Alderman Solomon. All voted Aye; motion carried. |

(Alderman Kosovich left the Council Chambers at this time.)

**CLOSED
SESSION-
WASTE
MANAGEMENT**

- F-14. Alderman Bergmann moved to enter closed session at 8:38 p.m. pursuant to §19.85(1)(e), Stats., to deliberate upon and develop strategies with regard to the bargaining of the proposed establishment/expansion of solid waste facilities pertaining to the Metro Recycling and Disposal Facility and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Olson. On roll call, Aldermen Olson, Solomon, Gardner, Sohns and Bergmann voted Aye; motion carried. (Alderman Kosovich entered this closed session at 8:40 p.m.)

The Common Council entered open session at 9:25 p.m.

**CLOSED
SESSION-
DNR**

- F-15. Alderman Olson moved to enter closed session at 9:26 p.m. pursuant to §19.85(1)(e) and (g), Stats. to confer with the City Attorney as legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the Council with respect to litigation upon the Wisconsin Department of Natural Resources Notice of Violation/Notice of Claim dated July 30, 2004, alleging violation of general permit for bypasses or overflows from sewage collection systems (WI0047341-03). Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

The Common Council reentered open session at 9:29 p.m.

APPOINTMENTS

- G-1. Alderman Olson moved to confirm the Mayoral appointment of Wendy Knackert, term expires 7/1/06, to the Civic Celebrations Commission. Seconded by Alderman Bergmann. On roll call, all voted Aye; motion carried.

Alderman Sohns moved to confirm the Mayoral appointment of Casper Green, term expires 4/30/07, to the Personnel Committee. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

LICENSES

- H-1. Alderman Kosovich moved to grant the following licenses subject to meeting all licensing requirements:

Operator License to Christine M. Correll, 937 S. 75th St., West Allis; Rochelle L. Rice, 3837 N. Hwy. 41, Franksville and Amy L. Bezucha, 7555 S. Manor Ave., Oak Creek;

Temporary Class B Beer & Wine to St. Martin of Tours School, Linda M. Schreiner, 7963 S. 116th St. on 2/12/05 and to St. Martin of Tours School, Diane Winkowski, 7963 S. 116th St. on 3/19/05;

Fee waivers for temporary Class B, Temporary Entertainment & Amusement, Food & Soda to St. Martin of Tours School Sweetheart Dance on 2/12/05 and Auction/Dinner Raffle Night on 3/19/05 except services incurred by City staff, Sanitarian, Fire Department and Police Department. Seconded by Alderman Solomon. All voted Aye; motion carried.

Franklin Common Council

2/01/05

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| VOUCHERS | I-1. | Alderman Kosovich moved to approve City vouchers in the range of 109800 thru 109983 in the amount of \$797,542.34. Seconded by Alderman Gardner. All voted Aye; motion carried. |
| PAYROLL | | Alderman Solomon moved to approve net payroll of January 21, 2005 in the amount of \$321,310.43. Seconded by Alderman Bergmann. All voted Aye; motion carried. |
| ADJOURNMENT | J. | Alderman Solomon moved to adjourn the Common Council meeting at 9:30 p.m. Seconded by Alderman Sohns. All voted Aye; motion carried. |